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EXAMINER

CHANG, ERIC

ART UNIT	PAPER NUMBER
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2116

16

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/613,322

Applicant(s)

JANIK, CRAIG M.

Examiner

Eric Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 32-47 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 7-47 are pending.

Election/Restrictions

2. Newly submitted claims 32-47 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Independent claims 32 and 39 fail to recite any of the limitations of the original invention, such as an alarm clock with a display that downloads content from the internet and displays said content at a predetermined time, substantially as previously claimed. Instead, they are directed towards a system for streaming content to a device, and a method for streaming information from the internet and storing said information.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 32-47 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

3. Applicant's arguments with respect to claims 7-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 10-13, 15, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,229,430 to Smith Dewey.

6. As to claim 7, Smith Dewey discloses an alarm clock comprising:

[a] a snooze button [col. 4, line 66];

[b] an audio/visual display [col. 4, lines 4-9];

[c] a port to couple to the internet [col. 3, lines 14-41]; and

[d] a timer device to download pre-selected information from a website and presenting said information on said display and speaker [col. 4, lines 4-14].

Smith Dewey teaches an alarm clock that couples to the Internet in order to download pre-selected information from a website at a predetermined time [col. 24-48]. Smith Dewey teaches that traffic and weather data may be retrieved from a website at the time that the alarm clock is supposed to alert the user. Smith Dewey teaches all of the limitations of the claim, but does not specifically teach that additional pre-selected information is downloaded and presented to the user. However, Smith Dewey does teach that advertising information may be retrieved from the Internet [col. 4, lines 8-14]. It would be obvious to one of ordinary skill in the art that this advertising information be retrieved at the same time as the traffic and weather data, because

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the alarm clock would be downloading information from the Internet at that time. Moreover, retrieving the advertising information when the alarm clock is supposed to alert the user allows the latest advertising information to be downloaded and presented to the user.

7. As to claims 10 and 15, Smith Dewey discloses the alarm clock comprises means for providing a conventional alarm type to the user [col. 4, lines 4-7]. It is well known in the art that a conventional alarm clock often comprises a radio tuner for receiving and playing radio broadcasts, substantially as claimed.

8. As to claims 11 and 19, Smith Dewey discloses a memory for storing the information downloaded from the Internet [col. 3, lines 57-65]. It would have further been obvious to one of ordinary skill in the art that information can also be stored in said memory for later presentation to the user, using web-caching methods well known in the art.

9. As to claims 12 and 22, Smith Dewey discloses an alarm clock capable of reproducing audio messages to the user [col. 4 lines 6-9], thereby audibly broadcasting information over the speaker, substantially as claimed.

10. As to claims 13 and 20, Smith Dewey discloses an interface for coupling the alarm clock to the Internet, comprising any combination of hardware, software or firmware in order to facilitate communication between the alarm clock and the data sources to which the alarm clock communicates [col. 3, lines 14-38]. It would be obvious to one of ordinary skill in the art that

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proxy servers that connect the alarm clock to the Internet would fall under the purview of hardware that facilitates communication between the alarm clock and the data sources. In addition, it would be obvious to one of ordinary skill in the art that the method of downloading and presenting information to the user taught by Smith Dewey could be implemented in the proxy server, substantially as claimed.

11. As to claims 18 and 21, Smith Dewey teaches a single alarm clock that connects to the Internet to download information, and displaying said information to a user. Because Smith Dewey teaches a single alarm clock, Smith Dewey teaches a plurality of alarm clocks that are able to download and display information from the Internet via the communication network interface [col. 3, lines 14-38], substantially as claimed.

12. Claims 8-9, 14, 16-17 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,229,430 to Smith Dewey in view of U.S. Patent 5,774,664 to Hidary et al.

13. As to claims 8, 16-17 and 23-31, Smith Dewey teaches all the limitations of the claim, including an alarm clock that connects to the Internet to download information, and displaying said information to a user, substantially as claimed. Furthermore, although Smith Dewey teaches that information retrieved from a website further determines the timer activation of presentation of additional information to the user [col. 4, lines 24-44], Smith Dewey does not teach that the timer activation information is downloaded from the same website as the information presented

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to the user. That is, the alarm information does not necessarily originate from the same website as the advertising information.

Hidary discloses the timer determines the downloading and presentation of the information in response to time related information downloaded from the website [col. 3, lines 43-52]. Hidary teaches a web server that contains scheduling information for the presentation of information that is sent to the client display devices over the Internet, substantially as claimed. In addition, Hidary teaches the scheduling information for transmitting said information to the user may coincide with scheduled broadcasts [col. 3, lines 43-52].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the website-driven timer activation means as taught by Hidary. One of ordinary skill in the art would have been motivated to do so that the website could provide additional control for the alarm clock in addition to merely providing raw data for the alarm clock to make its own determination on when to present the downloaded information.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of timer-activated download of information from the Internet. Moreover, the website-driven timer activation means taught by Hidary would improve the simplicity of Smith Dewey because it allowed the alarm data source to also provide advertising information to the user, thereby reducing the number of websites to be accessed. In addition, Hidary offers the capability to perform more advanced and interactive web surfing in addition to the mere presentation of information from the Internet.

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14. As to claims 9, 14 and 24, Hidary discloses the web pages presented to the user may contain hyperlinks that can be selected, or tagged, by the user, causing additional requests to be sent to the website to request further related information [col. 8, lines 45-67, and col. 9, lines 1-2].

15. As to claim 26, Smith Dewey discloses a memory for storing the information downloaded from the Internet [col. 3, lines 57-65]. It would have further been obvious to one of ordinary skill in the art that information can also be stored in said memory for later presentation to the user, using web-caching methods well known in the art.

16. As to claims 27 and 28, Smith Dewey discloses an interface for coupling the alarm clock to the Internet, comprising any combination of hardware, software or firmware in order to facilitate communication between the alarm clock and the data sources to which the alarm clock communicates [col. 3, lines 14-38]. It would be obvious to one of ordinary skill in the art that proxy servers that connect the alarm clock to the Internet would fall under the purview of hardware that facilitates communication between the alarm clock and the data sources. In addition, it would be obvious to one of ordinary skill in the art that the method of downloading and presenting information to the user taught by Smith Dewey could be implemented in the proxy server, substantially as claimed.

17. As to claim 29, Hidary discloses that the downloading, transmitting, and presenting steps are performed simultaneously [col. 8, lines 24-44]. Hidary teaches up-to-the-minute

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information, such as that comprising stock and financial news, may be downloaded from the Internet and presented to the user in accordance to a pre-selected content selection.

18. As to claims 30-31, Smith Dewey teaches a single alarm clock that connects to the Internet to download information, and displaying said information to a user. Because Smith Dewey teaches a single alarm clock, Smith Dewey teaches a plurality of alarm clocks that are able to download and display information from the Internet via the communication network interface [col. 3, lines 14-38], substantially as claimed.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

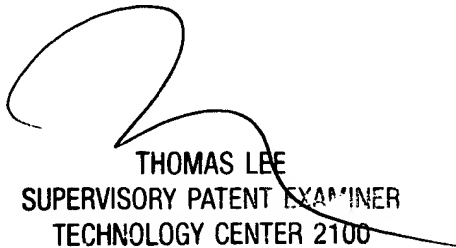
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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

ec



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